

SENATE BILL No. 57

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-4-201.2.

Synopsis: Local public question on county zoning. Allows a county legislative body that has not adopted a comprehensive plan or zoning ordinance to adopt a resolution to place a local public question on the ballot concerning whether the county should exercise planning and zoning. Requires the legislative body to specify in the resolution whether the results of the public question will be binding on the legislative body. Provides that only a registered voter who resides in an unincorporated area of the county may vote on the local public question. Provides that if a majority of the votes cast on a binding local public question is in favor of exercising planning and zoning, the legislative body must adopt a comprehensive plan and zoning ordinance not later than two years after the date of the election. Provides that if a majority of the votes cast on a binding local public question is not in favor of exercising planning and zoning, the legislative body may not adopt a comprehensive plan or zoning ordinance for two years after the date of the election. Requires the legislative body to adopt a resolution to place a local public question on the ballot if at least the number of registered voters of the unincorporated areas of the county equal to 10% of the total votes cast in the unincorporated areas of the county at the last election for secretary of state sign a petition requesting the county legislative body to adopt the resolution. Requires the petition to specify whether the local public question will be binding or not binding on the legislative body. Provides that if a majority of the voters vote "no" on the public question, another public question may not be conducted for four years after the date of the vote.

Effective: July 1, 2010.

Steele

January 5, 2010, read first time and referred to Committee on Local Government.



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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 57

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-7-4-201.2 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2010]: **Sec. 201.2. (a) This section applies**
4 **only to a county that has not adopted a comprehensive plan or**
5 **zoning ordinance.**

6 **(b) Except as provided in subsection (f), the legislative body of**
7 **a county may adopt a resolution to place a local public question on**
8 **the ballot concerning whether the county should exercise planning**
9 **and zoning. The legislative body shall specify in the resolution**
10 **whether the results of the local public question will be binding or**
11 **not binding on the legislative body. If a resolution is adopted under**
12 **this section, the county election board shall place the following**
13 **question on the ballot in accordance with IC 3-10-9 during the next**
14 **general or primary election for which the question may be certified**
15 **under IC 3-10-9-3:**

16 **"Shall the (insert name of the county) exercise planning and**
17 **zoning?".**



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(c) The county election board shall place the local public question on the ballot during the next general election or primary election in the county. The circuit court clerk of a county holding an election under this section shall certify the results of the voting on the local public question to the legislative body of the county.

(d) Only a registered voter who resides in an unincorporated area of the county may vote on the public question. If a majority of the votes cast on the local public question in an election under this section is not in favor of exercising planning and zoning and the results of the local public question are binding, the legislative body may not adopt a comprehensive plan or zoning ordinance for two (2) years after the date of the election. If the local public question is not binding, this section does not prohibit the legislative body from adopting a comprehensive plan and zoning ordinance.

(e) If a majority of the votes cast on the local public question in an election under this section is in favor of exercising planning and zoning, and the results of the local public question are binding, the legislative body of the county shall adopt a comprehensive plan and zoning ordinance not later than two (2) years after the date of the election. If the local public question is not binding, this section does not require the legislative body to adopt a comprehensive plan and zoning ordinance.

(f) The legislative body of the county shall adopt a resolution under subsection (b) if at least the number of registered voters residing in the unincorporated areas of the county equal to ten percent (10%) of the total votes cast in the unincorporated areas of the county at the last election for secretary of state sign a petition requesting the legislative body of the county to adopt such a resolution. The petition shall specify whether the results of the local public question will be binding on the legislative body. The petition shall be filed with the circuit court clerk of the county. The circuit court clerk shall certify to the legislative body of the county whether the petition has a sufficient number of signatures. If the petition is sufficient, the legislative body shall adopt a resolution under subsection (b) that is binding or not binding as specified in the petition.

(g) If a majority of the voters vote "no" on the public question, a local public question under this section may not be conducted for four (4) years following the date of the vote.

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